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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/088,144 | 06/11/2002 | Wolfgang Reeb | 1997 | 1019 |

7590

03/24/2004

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Huntington, NY 11743

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| EXAMINER |
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EASTHOM, KARL D

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| ART UNIT | PAPER NUMBER |
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2832

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,144

Applicant(s)

REEB ET AL.

Examiner

Karl D Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what “wherein the housing (5) has the at least one detent projection (54), and the at least one detent projection having the at least one detent tooth” means since the “potentiometer housing (47) has at least one detent tooth” as recited in claim 3, so it is not clear what it means for the detent projection to “have” the detent tooth.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pathmann. Pathmann discloses the claimed invention at Figs. 7-8 with housing 12, driven wheel 40, electric motor 16 and potentiometer 100. In claim 2, col. 4, lines 30-35 discloses the potentiometer indicating position. In claims 3-4, the detent tooth or detent projection are 40, or the teeth on first and second worm gears are 28 and 38 on 30. In claim 5, the potentiometer housing is considered 112 since it holds the wipers and covers same and partially covers the coil where the wipers 114, 116 are, and it is rotatable. In claim 6, the housing 112 has a hole for the shaft, see Fig. 9. For claim 7, the shaft is 30 having worms 28, 38 on both ends meshing with the driven wheel 40. Or the driven wheel is 24, and the worm gear 28 is on the end of the motor shaft where it touches the end or engages with the gear 24 on the end. For claim 8, see the

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connections 104, 106, 108, at least partially similar to a serpentine contour where there are rounded edges at one end, for example, and cut outs for example, or they are simply similar to the straight portions of a serpentine contour. In claims 9-11, all parts are in the housing.

2. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Haydon et al. Haydon discloses the claimed invention at Fig. 1 with a housing 15, potentiometer 17, motor 32 and driven wheel 24. In claim 2, the potentiometer serves to register position, since its resistance changes when the motor turns. In claim 3, the driven wheel is 24, the potentiometer housing is 16, and the detent tooth of the housing is any number of elements such as 55, or 31 the element labeled gear on shaft 26. . In claim 4, the housing 15 has detent tooth 28a or 28b which forms a detent toothing with 29 or the gear attached thereto. In claims 5-6, the housing is rotatable as disclosed at cols. 4-5 lines 45-55, with hole 54 in the vicinity of any of the elements noted where the term is broad. In claims 9-10, all parts can be installed or inserted in an inward direction.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Stevens. Stevens discloses the claimed invention at Fig. 1 with housing for the potentiometer depicted, driven wheel depicted in the manner of a pulley system, electric motor A and potentiometer C.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown. Brown discloses the claimed invention at Fig. 1 with housing 12, motor 18, potentiometer 45 or 51 and shaft 27.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayden in view of Brown. Hayden discloses the claimed invention except the leaf spring. Brown discloses a helical spring 14 for damping axial motion of the motor rotor shaft, and it would have been obvious to employ any equivalent means of damping where helical and leaf springs are species of a class well known to perform in an equivalent manner.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Easthom
Primary Examiner
Art Unit 2832

KDE